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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,456	04/12/2001	Jean-Michel Philippoz	AD 6802 US NA	3326

23906 7590 01/11/2005

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EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,456

Applicant(s)

PHILIPPOZ ET AL.

Examiner

Christopher P Bruenjes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

REPEATED REJECTIONS

1. The 35 U.S.C. 103 rejections of claims 1 and 3-8 over Gotz in view of Vercesi are repeated for the reasons previously of record in the Office Action mailed May 15, 2003, Pages 5-8.

Regarding the newly added limitation that the short aramid fibers are fibrillated and has a surface area of at least $3\text{m}^2/\text{g}$, Vercesi teaches that the short aramid fiber are fibrillated and the surface area is greater than $3\text{m}^2/\text{g}$ (col.5, 1.22-26 and col.7, 1.14-17).

2. The 35 U.S.C. 103 rejection of claim 9 over Gotz in view of Vercesi and Van Ert are repeated for the reasons previously of record in the Office Action mailed April 29, 2004, Pages 3-5 Paragraph 5.

Regarding the newly added limitation to claim 1 that the short aramid fibers are fibrillated and has a surface area of at least $3\text{m}^2/\text{g}$, Vercesi teaches that the short aramid fiber are fibrillated and the surface area is greater than $3\text{m}^2/\text{g}$ (col.5, 1.22-26 and col.7, 1.14-17).

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ANSWERS TO APPLICANT'S ARGUMENTS

3. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 1 and 3-8 over Gotz in view of Vercesi have been fully considered but they are not persuasive.

In response to Applicant's argument that Gotz fails to teach specific dimensions for the aramid fibers, the Examiner agrees and it is stated in the repeated rejection that Gotz fails to explicitly teach the dimensions of the aramid fibers. However, Gotz teaches that aramid fibers are used as reinforcement in forming hollow articles, and suggests that the fibers used are short. Vercesi et al teach specific dimensions of short aramid fibrillated fibers used to reinforce thermoplastic molding materials. Therefore, one of ordinary skill in the art at the time Applicant's invention was made would have recognized that the short aramid fibers of Vercesi et al are substituted for the aramid fibers of Gotz, in order to reinforce the thermoplastic molding materials for forming hollow articles as taught by the teachings of Vercesi et al and Gotz taken as a whole.

In response to Applicant's argument that Van Ert fails to cure the deficiencies in Gotz and Vercesi, the Van Ert reference is only used for the limitations of claim 9 because Gotz and

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Vercesi teach all that is claimed in claims 1 and 3-8 as shown above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes
Examiner
Art Unit 1772
CPB
December 30, 2004


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/10/05